

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HUNTAIR, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 07 C 6890
CLIMATECRAFT, INC.,)	
)	
Defendant.)	
<hr style="width: 35%; margin-left: 0;"/>)	The Honorable David H. Coar
)	
CLIMATECRAFT, INC.,)	
)	
Counterclaim Plaintiff,)	
)	Magistrate Judge Morton Denlow
v.)	
)	
HUNTAIR, INC.,)	
)	
Counterclaim Defendant.)	

**CLIMATECRAFT, INC.’S RESPONSE TO HUNTAIR’S MOTION FOR EXTENSION OF
TIME AND LEAVE TO FILE OVERSIZE BRIEF**

ClimateCraft does not object to the request Huntair makes for an additional day for filing its brief and for leave to file up to 25 pages of brief. However, ClimateCraft agreed to Huntair’s request to move *both parties’ deadline*; it did not agree to give Huntair the weekend to study ClimateCraft’s brief. The undersigned just spoke by telephone with Huntair’s counsel, Mr. McCaulley, and Mr. McCaulley confirmed he did not intend to seek such an advantage by his motion. ClimateCraft urges that if the Court changes Friday’s deadline for filing the briefs, it do so for both parties to maintain the simultaneity of the briefing schedule.

As to the page limit, ClimateCraft does not oppose Huntair’s request for extra pages; it even asked Huntair to agree to a reciprocal request should ClimateCraft so require (Huntair has

not yet answered the request). But ClimateCraft will strenuously object to any submission of additional *evidence*, particularly *expert* evidence, as this was to be exchanged weeks before the Opening Brief (Huntair's motion does not seek this relief, but Huntair's attention to the page length of ClimateCraft's expert's report causes concern).

Finally, ClimateCraft is dismayed at the tone of Huntair's unopposed motion. Huntair's assertion that indefiniteness has no bearing on claim construction is misplaced, at best. This is indeed the time, the place and the forum for a ruling that the claims of the patents in suit are indefinite and therefore invalid.

Respectfully submitted,

Dated: July 15, 2008

/s/ Charles C. Kinne

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
**CLIMATECRAFT, INC.'S RESPONSE TO HUNTAIR'S MOTION FOR EXTENSION OF TIME AND
LEAVE TO FILE OVERSIZE BRIEF** was served by ECF upon:

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this 15th day of July, 2008.

/s/ Charles C. Kinne
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